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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9  
10 **AT SEATTLE**

11 **ARTHUR BEARD,** ) Case No.  
12 )  
13 Plaintiff, ) **COMPLAINT**  
14 )  
15 vs. )  
16 )  
17 **RECEIVABLES PERFORMANCE) JURY TRIAL DEMANDED**  
18 **MANAGEMENT, LLC,** )  
19 )  
20 Defendant. )

21 **I. NATURE OF ACTION**

22 1. This is an action for damages brought by an individual consumer for  
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §  
24 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,  
25 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,  
26 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of  
27 privacy by intrusion, ancillary to Defendant's collection efforts.

28 Complaint - 1

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## II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

## III. PARTIES

3. Plaintiff, Arthur Beard, is a natural person residing in the State of Washington, County of Snohomish, and City of Lake Stevens.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Receivables Performance Management, LLC, (“Defendant”) was a limited liability company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

## IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Communicating or threatening to communicate credit information which is known or which should be known to be false, including continuing to report an unpaid balance for a PG&E debt that has been paid in full to the PG&E (§ 1692e(8); §1692(e)(2)(a));
- b. Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff, including responding to an Attorney General complaint about the debt by reiterating the unpaid balance due, apparently without having made any attempt to research the debt or contact the creditor about Plaintiff's claim he had paid the debt in full (§ 1692e(10)).

8. Defendant's aforementioned activities, set out in paragraph 8, also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiff had a subjective expectation of privacy that was objectively reasonable under the circumstances.

**COUNT I: VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT**

9. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;

- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**  
**ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**  
**CONSUMER PROTECTION ACT**

10. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered  
against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

Respectfully submitted this 10th day of November, 2009.

s/Jon N. Robbins  
Jon N. Robbins  
WEISBERG & MEYERS, LLC  
Attorney for Plaintiff